

9-22-04

JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/811,136
Applicant : Rapp, et al
Filed : March 26, 2004
Title : Production of a Transgenic Avian
by Cytoplasmic Injection

TC/A.U. : 1632
Examiner : Not yet assigned

Docket No. : AVI-025CIP

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Date Sept. 21, 2004
Signature Kyle Yesland
Name Kyle Yesland

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: Amendment

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The references cited on the attached PTO/SB/08A forms are being called to the attention of the Examiner. In accordance with 37 C.F.R. §1.98(d), copies of the references can be found in Application No. 10/790,455, filed March 1, 2004 (Attorney Docket No. AVI-025) with the exception of reference numbers 56 to 109, copies of which are enclosed herewith except for references 56, 57, 62 and 64 to 70 which are issued U.S. Patents. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all of the relevant information, and no inference should be made that the information and references cited are, or are considered to be, material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such a fee from Deposit Account No. 501729. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kyle Yesland', is positioned above the printed name and contact information.

Kyle Yesland, 706-227-1170
Attorney for Applicants
Reg. No. 45,526
AviGenics, Inc.
Legal Department
111 Riverbend Rd.
Athens, Georgia 30605



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT

In re application of:

RAPP ET AL)	Group Art Unit: 1632
)	
Serial No. 10/811,136)	Examiner: N/A
)	
Dated: Submitted herewith)	
)	Mail Stop: AMENDMENT
For: PRODUCTION OF A TRANSGENIC)	
AVIAN BY CYTOPLASMIC)	
INJECTION)	

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1. Transmittal Form;
2. Information Disclosure Statement
3. Form PTO/SB/08A and copies of (44 cited references); and
4. Return post card.

The 4 above-identified documents are enclosed herewith.

Respectfully submitted,

Kyle Yesland, 706-227-1170, ext. 233
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PTO/SB/21 (02-04)

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FORM**

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Total Number of Pages in This Submission

11

Application Number

10/811,136

Filing Date

March 26, 2004

First Named Inventor

Jeffrey C. Rapp

Art Unit

1632

Examiner Name

Not yet assigned

Attorney Docket Number

AVI-025CIP

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Remarks

Total number of pages in this submission (11) does not include the pages of the enclosed references

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Kyle Yesland

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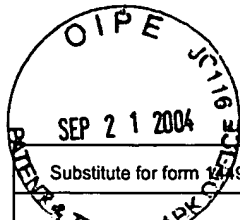
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Substitute for form 1049A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/811,136
				Filing Date	March 26, 2004
				First Named Inventor	Rapp, Jeffrey C.
				Art Unit	1632
(Use as many sheets as necessary)				Examiner Name	Not Yet Assigned
Sheet	1	of	7	Attorney Docket Number	AVI-025CIP

U.S. PATENT DOCUMENTS					
Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-5,672,485	09/1997	Foster, et al.	
	2.	US-6,397,777	06/2002	Andact, et al.	
	3.	US-6,632,672	10/2003	Calos	
	4.	US20020094516A1	07/2002	Calos	
	5.	US20030050258A1	03/2003	Calos	
	6.	US20020116732A1	08/22/02	Christmann	
	7.	US20020108132A1	08/08/02	Rapp, et al.	
	8.	US20030126629A1	07/03/03	Rapp, et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	9.		EP-A-43075	A2	01/1982	Europe		
	10.		1047381	A	02/1989	Japan		
	11.		WO 91/06309	A1	05/1991	Bringham		
	12.		WO 99/19472	A1	04/22/99	Ivarie, et al.		
	13.		WO 00/11151	A2	03/2000	Ivarie, et al.		
	14.		WO 00/56932	A2	09/2000	Harvey, et al.		
	15.		WO 02/38613	A2	05/2002	Kühn, et al. *		
	16.		WO 01/07572	A2	02/2001	Ow, et al.		
	17.		WO 01/49832	A2	07/2001	Schwenk		

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	18.	<i>STERNBERG et al</i> , Bacteriophage P1 site-specific recombination. I. Recombination between <i>loxP</i> sites, <i>J Mol Biol.</i> , 150:467-86 (1981)	
	19.	<i>MOSCOVICI et al</i> , Continuous tissue culture cell lines derived from chemically induced tumors of Japanese quail, <i>Cell</i> , 11:95-103 (1997)	
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	26.	<i>ETCHES et al</i> , Chimeric chickens and their use in manipulation of the chicken genome, <i>Poult. Sci.</i> , 72:882-9 (1993)	
	27.	<i>NAITO et al</i> , Production of germline chimeric chickens, with high transmission rate of donor-derived gametes, produced by transfer of primordial germ cells, <i>Mol. Reprod. Dev.</i> , 39:153-61 (1994)	
	28.	<i>KILLARY et al</i> , Microcell Fusion, <i>Methods Enzymol.</i> , 254:133-52 (1995)	
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	30.	<i>ROBINETT et al</i> , In Vivo Localization of DNA Sequences and Visualization of Large-Scale Chromatin Organization Using Lac Operator/Repressor Recognition, <i>Journal of Cell Biology</i> , 135:1685-1700 (1996)	

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	31.	<i>THORNE et al</i> , Genetic analysis of triploidy in a selected line of chickens, 1997; <i>J Heredity</i> , 88:495-498	
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	41.	<i>GROTH et al</i> , A phage integrase directs efficient site-specific integration in human cells, <i>PNAS</i> , 97:5995-6000 (2000)	
	42.	<i>THYAGARAJAN et al</i> , Site-Specific Genomic Integration in Mammalian Cells Mediated by Phage Φ C31 Integrase, <i>Molecular and Cellular Biology</i> , 21:3926-34 (2001)	

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	43.	<i>OLIVARES et al</i> , Phage R4 integrase mediates site-specific integration in human cells, <i>Gene.</i> , 278:167-76 (2001)	
	44.	<i>SMITH et al</i> , Diversity in the serine recombinases, <i>Molecular Microbiology</i> , 44:299-307 (2002)	
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	51.	<i>SHERMAN et al</i> , Transposition of the <i>Drosophila</i> element <i>mariner</i> into the chicken germ line, <i>Nat Biotech</i> 16:1050-1053 (1998)	
	52.	<i>HOLLIS, et al</i> , Phage integrases for the construction and manipulation of transgenic mammals, <i>Reprod Biology and Endoc.</i> , 1:1-11 (2003)	
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	54.	<i>ANDREAS, et al</i> , Enhanced efficiency through nuclear localization signal fusion on phage ΦC31-integrase: activity comparison with Cre and FLPe recombinase in mammalian cells, <i>Nucl. Acids Res.</i> 30: No.11, 2299-2306 (2002)	
	55.	<i>BELTEKI, et al</i> , Site-specific cassette exchange and germline transmission with mouse ES cells expressing ΦC31 integrase, <i>Nat. Biotechn.</i> 21:321-324 (2003)	

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	56.	US-5,175,384	12/29/92	Krimpenfort, et al.	
	57.	US-5,656,479	08/12/97	Petitte, et al.	
	58.	US20020108132A1	08/08/02	Rapp	
	59.	US20020199214A1	12/26/02	Rapp	
	60.	US20030140363A1	07/24/03	Rapp	
	61.	US20030126628A1	07/03/03	Harvey, et al.	
	62.	US-5,162,215	11/10/92	Bosselman, et al.	
	63.	US20020116732A1	08/22/02	Christmann	
	64.	US-5,011,780	04/30/91	Perry	
	65.	US-5,340,740	08/23/94	Petitte, et al.	
	66.	US-6,423,488	07/23/02	Harvey	
	67.	US-6,027,722	02/22/00	Hodgson	
	68.	US-4,997,763	03/05/91	Hughes, et al.	
	69.	US-5,731,178	03/24/98	Sippel, et al.	
	70.	US-6,596,296	07/22/03	Nelson, et al.	

FOREIGN PATENT DOCUMENTS								
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		Country Code ³	Number ⁴	Kind Code* (if known)				
	71.		WO 02/079447	A2	10/10/02	Rapp		
	72.		WO 00/09674	A1	02/24/00	Yanagimachi		
	73.		WO 99/10505	A2	03/04/99	Etches		
	74.		WO 90/11355	A1	10/04/90	Simkiss		
	75.		WO 87/05325	A1	09/11/87	Rottman		
	76.		WO 97/47739	A1	12/18/97	MacArthur		
	77.		WO 99/42569	A1	08/26/99	Shemesh		
	78.		WO 02/064727	A3	08/22/02	Christmann		
	79.		WO 99/19472	A1	04/22/99	Ivarie, et al.		
	80.		WO 00/69257	A2	11/23/00	Readhead		
	81.		WO 0220752	A2	03/14/02	Christmann		

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	82.	BACHILLER <i>et al.</i> Liposome-mediated DNA uptake by sperm cells. 1991, <i>Molecular Reproduction and Development</i> , 30:194-200	
	83.	BALDARI <i>et al.</i> , A novel leader peptide which allows efficient secretion of a fragment of human interleukin 1 β in <i>Saccharomyces cerevisiae</i> 1987, <i>E.M.B.O.J.</i> , 6:229-234	
	84.	CIBELLI <i>et al.</i> Cloned transgenic calves produced from nonquiescent fetal fibroblasts. 1998 <i>Science</i> . May 22; 280:1256-1258	
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Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/811,136
		Filing Date	March 26, 2004
		First Named Inventor	Rapp, Jeffrey C.
		Art Unit	1632
(Use as many sheets as necessary)		Examiner Name	Not Yet Assigned
Sheet 7	of 7	Attorney Docket Number	AVI-025CIP

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	97.	MUELLER <i>et al.</i> Chimeric pigs following blastocyst injection of transgenic porcine primordial germ cells. <i>Molecular Reproduction and Development</i> . 1999, 54:244-254	
	98.	MURAMATSU <i>et al.</i> Gene gun-mediated <i>in vivo</i> analysis of tissue-specific repression of gene transcription driven by the chicken ovalbumin promoter in the liver and oviduct of laying hens. <i>Mol Cell Biochem</i> . 1998 Aug.; 185(1-2):27-32	
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